

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Civil Action No.: 3:11-cv-00597-FDW-DCK**

**THE FAIRPOINT COMMUNICATIONS,
INC. ET AL., LITIGATION TRUST,**

Plaintiff,

v.

**VERIZON COMMUNICATIONS, INC.,
NYNEX CORPORATION, VERIZON NEW
ENGLAND, INC., AND VERIZON
INFORMATION TECHNOLOGIES, L.L.C.,**

Defendants.

MOTION TO DISMISS SECOND AMENDED COMPLAINT

Defendants Verizon Communications Inc., NYNEX LLC (improperly named in the Second Amended Complaint as NYNEX Corporation), Verizon New England Inc., and Verizon Information Technologies, L.L.C. respectfully move the Court to dismiss Count I of the Second Amended Complaint (Docket No. 68; the “SAC”), in part, and Count II of the SAC in its entirety; and to strike Plaintiff’s claim for punitive damages.

The reasons supporting this motion are explained in detail in the supporting memorandum filed contemporaneously herewith.

Dated: July 16, 2012
Charlotte, North Carolina

s/ Robert E. Harrington
Robert E. Harrington
N.C. Bar No. 26967
ROBINSON, BRADSHAW & HINSON, P.A.
101 North Tryon Street, Suite 1900
Charlotte, NC 28246
Phone: 704-377-8387
Facsimile: 704-373-3987
rharrington@rbh.com

Attorneys for Verizon

ADMITTED PRO HAC VICE: (OF COUNSEL)

Lee Ann Stevenson
Matthew F. Dexter
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, NY 10022
Phone: 212-446-4917
Facsimile: 212-446-6460
leeann.stevenson@kirkland.com
matthew.dexter@kirkland.com

Philip D. Anker
Craig Goldblatt
WILMER CUTLER PICKERING HALE AND DORR LLP
399 Park Avenue
New York, NY 10022
Phone: 212-230-8890
Facsimile: 212-230-8888
philip.anker@wilmerhale.com

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was electronically filed today using the Court's CM/ECF system which will electronically notify the following counsel of record:

Jonathan D. Sasser
James M. Weiss
ELLIS & WINTERS LLP
PO Box 33550
Raleigh, North Carolina 27636
jon.sasser@elliswinters.com
jamie.weiss@elliswinters.com

J. Wiley George
Robin Russell
Charles B. Hampton
Scott Locher
ANDREWS KURTH LLP
600 Travis, Suite 4200
Houston, Texas 77002
wileygeorge@andrewskurth.com
rrussell@andrewskurth.com
champton@akllp.com
slocher@akllp.com

Paul N. Silverstein
ANDREWS KURTH LLP
450 Lexington Avenue
New York, New York 10017
paulsilverstien@andrewskurth.com

This 16th day of July, 2012.

s/ Robert E. Harrington
Robert E. Harrington